

REMARKS

Claim 13 has been amended. Claim 19 has been canceled. Claims 20-62 have been added. Accordingly, after entry of this Amendment, claims 13-18 and 20-62 will be pending.

In the Office Action dated February 13, 2003, the Examiner rejected claims 13-19 under 35 U.S.C. § 102(e) as anticipated by Kampfe et al. (U.S. Patent No. 5,450,847). The Applicant respectfully disagrees with the Examiner's rejection and, therefore, respectfully traverses same.

Claims 13-18 are patentable over the reference cited by the Examiner because they recite, for example, an injection apparatus with a fluid path disposed between first and second fluid sources and a patient, wherein the fluid path has a reusable portion and a disposable portion.

In contrast to claims 13-18, Kampfe et al. does not describe an injection apparatus with a fluid path connected to a patient where the fluid path has a reusable and a disposable portion. Kampfe et al. describes an apparatus and a process for making doses of contrast media from concentrate. The device 10 includes a container 12 for contrast media and a container 14 for a solvent or diluent. (Kampfe et al. at col. 8, lines 10-12.) The two containers 12, 14 are connected to a mixing chamber 20. (Kampfe et al. at col. 8, lines 12-14.) After mixing, the resultant solution is provided to a delivery pipe 22, which can be connected to a variety of receiving containers (not shown) such as vials, bags, or syringe arrangements. (Kampfe et al. at col. 8, lines 21-24.) The Kampfe et al. apparatus does not include a fluid path between two fluid sources and a patient. Moreover, the Kampfe et al. apparatus does not describe that a portion of the fluid path is disposable, among other features.

Since Kampfe et al. fails to describe each and every element of the invention recited by claims 13-18, Kampfe et al. cannot anticipate those claims. As a result, the Applicant respectfully submits that the claims are patentable thereover.

The Applicant respectfully points out that the limitations formerly present in claim 19 have been incorporated into claim 13. In the Office Action, while the Examiner rejected claim 19 under 35 U.S.C. § 102(e), the Examiner did not point to any portion of Kampfe et al. to support the rejection of this claim. As explained above, the Applicant submits that Kampfe et al. does not disclose at least this feature and, as a result, cannot be relied upon to render claims 13-18 unpatentable.

In the Office Action dated February 13, 2003, the Examiner also rejected claims 13-19 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 12-20 of U.S. Patent No. 5,806,519. While the Applicant disagrees with the Examiner's rejection, the Applicant supplies herewith a Terminal Disclaimer to overcome the rejection.

The Applicant now turns to new claims 20-62. As explained in detail below, each of these new claims recites subject matter that is not anticipated or rendered obvious by Kampfe et al.

Claims 20-62 are patentable over Kampfe et al. because they recite fluid injection apparatuses that combine a number of elements including, for example, a fluid path connected to a patient comprising a reusable portion and a disposable portion, a fluid assurance device, and a connector. Kampfe et al. does not disclose or suggest such a combination of features. As discussed above, Kampfe et al. does not describe a fluid path connected to a patient having a reusable portion and a disposable portion. Moreover, contrary to the Examiner's assertion, it does not disclose a fluid assurance device. Finally, it does not disclose or suggest a connector.

With respect to the fluid assurance device, the Examiner pointed to the storage chamber 60 and the shutoff device 62. (Kampfe et al. at col. 8, lines 50-56.) The storage device 60 in Kampfe et al. is not a fluid assurance device. To the contrary, the storage container 60 is a receptacle employed to receive fluid during the sterilization of the entire device 10. (Kampfe et al. at col. 9, lines 46-50.) There is no disclosure in Kampfe et al. of a fluid assurance device. In fact, a fluid assurance device is not required since the Kampfe et al. apparatus is not connected to a patient.

Similarly, Kampfe et al. does not disclose a connector as recited, for example, by claims 20-62. In fact, there is no disclosure in Kampfe et al. of any type of connector, simply because Kampfe et al. discloses an apparatus that does not connect to a patient.

In view of the foregoing, the Applicant respectfully submits that the claims presented herein are patentable over the reference cited. As a result, the Applicant respectfully requests that the Examiner pass this application quickly to issue.

If there are any fees due in connection with the filing of this paper that are not otherwise accounted for, please charge our Deposit Account No. 03-3975 and refer to Order No. 071419/0265228.

Respectfully submitted,

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